

### REMARKS

Claims 1-3, 7, 16-18, 20, 22, and 24-33 are currently pending in the subject application and are presently under consideration. Applicant amends independent Claims 1, 16, and 20 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments. Therefore, these revisions introduce no new matter.

Applicant respectfully requests reconsideration and allowance of the claims of the application. Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

#### **Claim Rejections under 35 U.S.C. § 103: A. and B.**

**A. Claims 1-3, 7, 16, 18, 20, 22, and 25-33 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,240,555 to Shoff et. al. (hereinafter "Shoff") in view of U.S. Patent No. 6,374,406 to Hirata (hereinafter "Hirata").** Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 1**, to clarify further features of the subject matter. Claim 1 recites:

A system for representing at least one of an audio and visual program, comprising:

a token application that obtains a token that identifies a particular broadcast program, the token comprises a schema that is a multi-level data structure with a plurality of different fields, the plurality of fields includes at least a program identifier and one or more broadcast program characteristics that specifies different aspects of the particular broadcast program, the program

identifier uniquely identifies the particular broadcast program universally across broadcast providers; and

a recording component that schedules a recording of the particular broadcast program based at least in part on the token and local programming data.

Applicant respectfully submits that Shoff and/or Hirata, alone or in combination, fail to disclose, teach, or suggest such a system.

**References Fail to Teach or Suggest Features of Claim 1**

First, Applicant asserts the Office has failed to establish a *prima facie* case of obviousness. Shoff and/or Hirata fail to teach or suggest the features of Applicant's amended Claim 1.

Second, Shoff relates to an interactive entertainment system that provides supplemental interactive content along side traditional broadcast video programs such as television shows or movies. (See Abstract). A viewer tunes in a particular program or browses an electronic programming guide for programs in Shoff. An indication is provided to the viewer when interactive content is available in association with a particular program in Shoff. The interactive content can be downloaded and presented along side the traditional broadcast in Shoff. (See Abstract).

Shoff fails to disclose, teach, or suggest regarding a token that includes a program identifier that uniquely identifies a broadcast program universally across broadcast providers as recited in Applicant's Claim 1. Rather, Shoff describes an electronic program guide (EPG) that is specific to a particular headend or program provider. The EPG in Shoff is employed to determine a program currently viewed by a viewer. When a viewer tunes to a channel, the channel and a time slot are utilized to query the EPG to determine the program being viewed.

(See Abstract and col. 8, ln. 62 – col. 9, ln. 1). Since program information is retained in the EPG in Shoff, which includes specific channel and time slot information, program information in the EPG fails to universally identify across broadcast providers. Rather, the program information is specific to a particular provider in Shoff. Due to different time zones, different channelizations employed by various providers, or other factors, programs typically are not broadcast on identical channels at identical times across providers. For example, a program aired on a channel at a time slot in New York is not the same program aired on the same channel (e.g., same channel number) at the same time slot in Kansas. According to Shoff, a viewer in New York interacts with a different EPG than a viewer in Kansas. Therefore, contrary to the assertion in the Final Office Action dated January 8, 2009 (“the Final Office Action”), the EPG disclosed in Shoff is distinct from the token recited in Applicant’s Claim 1 since the EPG fails to universally identify a broadcast program across broadcast providers.

Third, Applicant’s Claim 1 recites *a recording component that schedules a recording of the particular broadcast program based at least in part on the token and local programming data*. As conceded in the Final Office Action, Shoff is silent regarding this aspect. However, Hirata likewise fails to teach or suggest this feature.

Hirata fails to compensate for the deficiencies of Shoff. Hirata relates to using electronic mail to program household appliances, allowing the appliances to accomplish a set of standard tasks. For example, Hirata allows a video deck to record a video program based upon user specified time, date, and channel information. The specified time, date and channel information in Hirata are supplied by the user through electronic mail. While Hirata discloses a video deck that schedules a recording based upon an electronic mail that includes time, date and channel information, Hirata is silent regarding scheduling a recording based upon a token and local

programming data. As discussed above, a token includes a program identifier that uniquely identifies a broadcast program universally across broadcast providers. Channel, date and time information in Hirata do not universally identify a program as particular channel, date and time information can be associated with different programs in disparate regions. Thus, Shoff and Hirata, alone or in combination, fail to teach or suggest all features of Applicant's Claim 1.

**Independent Claims 16, 20, and 22** are directed to a computer-readable media, a system, and a method, respectively, and each is allowable for reasons similar to those discussed above with respect to Claim 1.

Independent Claim 16, recites in part, *a token that includes program criteria that identify a particular broadcast audio/visual program, the program criteria include at least a program identifier that uniquely identifies the particular broadcast program universally among a variety of broadcast platforms*. As discussed supra, Shoff describes an electronic program guide that includes program information specific to a program provider. Thus, Shoff fails to teach or suggest a token that universally identifies a program among various platforms. Hirata describes transmitting an electronic mail that commands a video recorder to schedule a recording. The mail includes a channel, date and time. However, a channel, date and time does not universally identify a program as broadcast schedules vary across regions and providers. Therefore, Shoff and/or Hirata fail to teach or suggest all features recited in Applicant's Claim 16.

Independent Claims 20 and 22 recite, in part, *the token includes multi-level data structure with a plurality of fields that identifies a particular broadcast program on a variety of broadcast platforms*. As previously mentioned, Shoff describes an electronic program guide unique to a program provider. In addition, Hirata describes scheduling a recording based upon channel,

date, and time information. Thus, Shoff and/or Hirata fail to teach or suggest a token that identifies a particular program on a variety of broadcast platforms.

Further, Applicant's Claim 26 recites *identifying and recording the selected broadcast program based upon the universal program global unique identifier*. Neither Shoff nor Hirata teach or suggest this feature. Rather, as discussed above, Shoff and Hirata describe identifying and/or recording a program based upon channel and time information. Thus, Shoff and/or Hirata fail to teach or suggest identification of a program based upon a universal program global unique identifier.

**Dependent Claims 2-3, 7, 18, 20, 22, and 25-33** depend directly or indirectly from one of independent Claims 1, 16, 20, and 22, respectively, and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claims 1, 16, 20, and 22, are not taught, or suggested by Shoff and/or Hirata, alone or in combination.

Furthermore, Applicant's Claim 27 recites that *the program identifier is at least one of a universal program identifier that universally identifies the particular broadcast program regardless of program characteristics employed within a specific local tuning space*. Shoff and/or Hirata fail to teach or suggest regarding a universal program identifier that is independent of local tuning space information. This cited reference relies upon specific tuning space characteristics to reference programs.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

In view of at least the foregoing, Applicants' representative respectfully submits that the cited references, alone or in combination, fail to make obvious all the limitation recited in claims.

**B. Claims 10, 17, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Shoff in view of Hirata.** Applicant respectfully traverses the rejection.

The Final Office Action indicates that Applicant's Claim 10 is rejected. However, as Claim 10 has been previously cancelled, the rejection of Claim 10 is moot.

The rejection of Claims 17 and 24 should be withdrawn. Claims 17 and 24 depend from independent Claims 16 and 22, respectively, and for reasons stated above, Shoff and Hirata, alone or in combination, fail to teach or suggest all features recited in Applicant's Claims 16 and 22, from which the subject claims depend. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

**Conclusion**

The claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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